



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: Planning Commission
From: Tiffany Stankiewicz, Development Administrator
Through: Townsley Schwab, Sr Director of Planning & Environmental Resources *TS*
Date: September 14, 2009
Subject: Non-Residential Floor Area Evaluation Report Year 18 (July 14, 2009-July 12, 2010)

Meeting Date: September 23, 2009

BACKGROUND

Monroe County Code, Section 138-53, Non-Residential Rate of Growth Ordinance (NROGO), establishes the procedure for allocating the non-residential floor area. The "maximum annual allocation", and the distribution between the first and second allocation dates, will be determined by the Board of County Commissioners upon the recommendations of the Planning Director and the Planning Commission. This will provide flexibility in assuring the goals of the ordinance are being accomplished. The floor area that is not made available, or that remains unused in the current year, will be carried forward.

The following is a summary of the square footage of non-residential floor area that was made available for allocation in unincorporated Monroe County, and the actual square footage allocated, from Year 10 through Year 17.

<u>YEAR</u>	<u>AMOUNT AVAILABLE</u>	<u>ALLOCATIONS AWARDED</u>
Year 10	22,150 square feet	18,222 square feet
Year 11	16,000 square feet	5,300 square feet
Year 12	16,000 square feet	15,689 square feet
Year 13	16,000 square feet	10,925 square feet
Year 14	16,000 square feet	12,594 square feet
Year 15	18,000 square feet	12,500 square feet
Year 16	35,000 square feet	17,938 square feet
Year 17	30,000 square feet	13,056 square feet

On March 15, 2006, the Board of County Commissioners adopted Ordinance 011-2006 to implement the Tier System, and subsequently, it was challenged by Florida Keys Citizens Coalition, Inc. and Protect Key West and the Florida Keys, Inc., d/b/a Last Stand. Thomas G.

1 Pelham, Secretary, Department of Community Affairs signed the final order deciding the
2 challenge on September 26, 2007. No appeal was taken by the parties.

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4 The Tier System, made changes such as separate districts for allocation distribution, basis of
5 scoring applications, and administrative relief. The new districts are as follows: A) Lower
6 Keys (Middle Keys now included in the Lower Keys) & Upper Keys and B) Big Pine/No
7 Name Key are the subareas for NROGO.

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9 **Additional background specific to the Big Pine/No Name Key Sub-area:**

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11 1) In 1998, the Florida Department of Transportation, Monroe County, the
12 Florida Department of Community Affairs, the U.S. Fish and Wildlife Service
13 and the Florida Fish and Wildlife Conservation Commission signed a
14 Memorandum of Agreement to develop a Habitat Conservation Plan (HCP)
15 for the Key Deer and other protected species in the project area.

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17 2) The Livable Communikeys Program (LCP), Master Plan for Future
18 Development of Big Pine Key and No Name Key was adopted on August 18,
19 2004 under Ordinance 029-2004. The LCP envisioned 47,800 square feet of
20 non-residential floor area over the next twenty years to be used for infill and
21 expansion of existing businesses. Development is limited to Tier III disturbed
22 and scarified uplands. Based on the above non-residential area square footage
23 envisioned to be released over the twenty year horizon, approximately, 2,390
24 square feet of floor area could be made available per year. The author of the
25 LCP, concluded that much of the new floor area is to be used for
26 redevelopment and expansion of existing businesses and that it would be more
27 than adequate to accommodate future expansions.

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29 Action Item 5.1.2 Limit floor area allocations to 2,500 square feet per
30 organization per year.

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32 3) The following is a summary of the square footage of non-residential floor area that
33 was allocated on Big Pine/No Name Key Subarea from 2003 to July 2009.

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<u>YEAR</u>	<u>No. Applicants Applied</u>	<u>Total Sq. Ft. Allocated</u>
Year 13	1	2,181
Year 15	2	5,000
Year 16	2	3,809
Year 17	0	0

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41 **CONSIDERATIONS**

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43 When determining the amount of non-residential floor area that should be allocated annually,
44 several things need to be considered.
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1. The number of potential applicants for an upcoming year is unknown. Currently, there are few inquiries and applications for development. The average request for commercial square footage has gone down. Most applicants who have applied for NROGO have been for projects of 2,500 square feet or less and in areas that are not located in a designated Community Center. For the NROGO allocation point system and weighing criteria to be successful at directing development to the most appropriate locations, it is important to have competition for the available floor area.
2. In the past seven years there has been virtually no competition for the available non-residential floor area. The average square footage made available annually in the seven year period was 21,144 square feet and the average square footage allocated in a NROGO year was 13,278 square feet. In Year 12 the demand for square footage exceeded the amount of available square footage.
3. Areas for allocations greater than 2,500 square feet shall be identified in a Livable CommuniKeys Master Plan.
4. The non-residential allocations are based on prior years of residential ROGO. Each ROGO allocation is multiplied by 239 square feet to determine the NROGO allocation bank. The Lower & Upper Keys have a separate bank from the Big Pine/No Name Key.

CALCULATIONS FOR THE END OF YEAR 17 AND FLOOR AREA AVAILABLE

A. Lower/Upper Keys:

Rollover non-residential square footage from Year 17	157,757
Unused non-residential square footage from Year 17	16,944
Square Footage Year 17 ROGO (255 ROGO x 239 Square Feet)*	<u>33,460</u>
Total Non-Residential Square Footage Available:	208,161

B. Big Pine/No Name Keys:

NROGO Square Footage available beginning 2003	47,800
Less allocated 2003-July 2009	<u>10,990</u>
Total Non-Residential Square Footage Available:	36,810

RECOMMENDATION

Based on the preceding the Planning & Environmental Resources Director offers the following recommendations for the Annual Allocation Period in Year 18.

The maximum amount of available non-residential floor area for the annual NROGO allocation for Year 18 shall be 20,000 square feet are distributed as follows:

1 **Lower & Upper Keys Subarea:**
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- 3 1. The maximum amount of available non-residential floor area for the annual NROGO
4 allocation for Year 18 of the Lower & Upper Keys subarea shall be 17,500 square feet.
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6 2. The first allocation period shall be for 8,750 square feet and the remainder shall be held
7 in reserve for the second allocation period of July 12, 2010.
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9 3. One hundred percent of the available floor area for the first allocation period ending in
10 January 12, 2010 shall be for applicants requesting 2,500 square feet or less.
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12 4. Year Eighteen (18) will begin July 14, 2009 and will end on July 12, 2010, with the first
13 allocation period ending on January 12, 2010 and the second allocation period ending on
14 July 12, 2010.
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16 **Big Pine/No Name Key Subarea:**
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- 18 1. The maximum amount of available non-residential floor area for the annual NROGO
19 allocation for Year 18 of the Big Pine/No Name Keys subarea shall be 2,500 square feet.
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21 2. The first allocation shall be for 2,500 square feet and the remainder shall be held in reserve
22 for the second allocation period ending July 12, 2010.
23
24 3. One hundred percent of the available floor area for the first allocation period ending on
25 January 12, 2009 shall be for applicants requesting 2,500 square feet or less.
26
27 4. Year Eighteen (18) will begin July 14, 2009 and will end on July 12, 2010, with the first
28 allocation period ending on January 12, 2010 and the second allocation period ending on July
29 12, 2010.